

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANE SIMKINS, decedent, by her personal
representative, Kristi Simkins; KRISTI SIMKINS
and PATRIC ROGERS; and CHRISTER
PERSSON,

Plaintiffs,

v.

NEW YORK LIFE INSURANCE COMPANY;
and ILLUMIFIN CORPORATION, a foreign
profit corporation,

Defendants.

No. 2:23-CV-00578 JNW

**STIPULATION AND ORDER TO
EXTEND THE DEADLINE TO HOLD
A SETTLEMENT CONFERENCE**

**NOTED FOR HEARING: SEPTEMBER 25,
2024**

The parties respectfully stipulate and jointly move the Court for an Order extending the deadline to hold the settlement conference. The deadline to hold the settlement conference is currently set for October 9, 2024. The Parties respectfully request an extension to and including November 11, 2014 within which to hold the settlement conference, for the reasons stated below.

I. RECITALS

1. An Amended Order Setting Trial and Related Dates was issued in this matter on February 5, 2024 (the “Amended Scheduling Order”) (Doc. 60). The Amended Scheduling Order states that the settlement conference under LCR 39 1(c)(2) must be held not later than October 9, 2024. *See Amended Scheduling Order* p. 2

STIPULATION AND ORDER TO EXTEND THE DEADLINE TO HOLD A SETTLEMENT
CONFERENCE

2. The parties worked diligently to agree on a mediator and to schedule a mediation.

3. The parties agreed to mediate before Theresa Wakeen. November 11, 2014 was the first date Ms. Wakeen had available that also worked for all of the parties. Thus, the parties have reserved November 11, 2024 for the mediation of this matter. Despite their efforts, the parties were unable to find a mediator with an earlier day available that worked for all of the parties and their counsel.

4. Therefore, the Parties respectfully request that the Court extend deadline for the settlement conference to and including November 11, 2015 days to allow the parties to proceed with the mediation. A proposed order is submitted contemporaneously with this Motion.

5. This is the second request for an extension of time to the deadlines in the Amended Scheduling Order by any party. The Parties previously requested an extension to the deadline to file motions challenging expert witness testimony (Doc. 111). The Court granted this request on August 14, 2024. (Doc. 115). There will be no prejudice to the Court allowing the requested extension.

II. STIPULATION

For the foregoing reasons, the parties stipulate and agree that there is good cause for the Court extend the deadline to hold the settlement conference to and including November 11, 2024.

//

//

//

//

//

//

//

//

//

STIPULATION AND ORDER TO EXTEND THE DEADLINE TO HOLD A SETTLEMENT CONFERENCE

1 **SO STIPULATED** this 25th day of September, 2024,

2
3 By: s/ Adam Rosenberg

4 Adam Rosenberg, WSBA #39256
5 Keller Rohrbach, LLP
6 1201 3rd Ave, Suite 3400
7 Seattle, WA 98101
8 Telephone: (206) 428-0615
9 arosenberg@kellerrohrbach.com

10 William C. Smart, WSBA #8192

11 Isaac Ruiz, WSBA #35237

12 Ruiz & Smart LLP

13 1200 Fifth Avenue, Suite 1220

14 Seattle, WA 98101

15 Telephone: (206) 203-9011

16 wsmart@ruizandsmart.com

17 iruiz@ruizandsmart.com

18 **Attorneys for Plaintiffs**

19 By: s/ Melissa K. Reagan

20 Melissa Reagan (*Pro Hac Vice*)

21 Holland & Hart, LLP

22 555 17th Street, Unit 2300

23 Denver, CO 80202

24 MKReagan@hollandandhart.com

25 **Attorneys for Defendant illumifin**

26 By: s/ Diane Babbitt

27 Diane C. Babbitt, WSBA #17856

 Tim Wackerbarth, WSBA #13673

 Andrew G. Yates, WSBA #34239

 Matthew A. Stoloff, WSBA #54299

 Lane Powell, PC

 1420 Fifth Avenue, Suite 4200

 Seattle, Washington 98111-9402

 Telephone: (206) 223-7000

 wackerbarth@lanepowell.com

 yatesa@lanepowell.com


**Attorneys for Defendant New York Life
Insurance Company**

STIPULATION AND ORDER TO EXTEND THE DEADLINE TO HOLD A SETTLEMENT
CONFERENCE

III. ORDER

THIS MATTER having come before the Court upon the stipulation of the Parties and the Court having considered the stipulated motion and finding good cause, hereby extends the deadline to hold the settlement to and including November 11, 2024.

DATED this 26th day of September, 2024.


Jamal N. Whitehead
United States District Judge

PREPARED AND PRESENTED BY:

KELLER ROHRBACK, L.L.P

By: s/ Adam Rosenberg
Adam Rosenberg, WSBA #39256
Keller Rohrbach, LLP
1201 3rd Ave, Suite 3400
Seattle, WA 98101
Telephone: (206) 428-0615
arosenberg@kellerrohrbach.com

William C. Smart, WSBA #8192
Isaac Ruiz, WSBA #35237
Ruiz & Smart LLP
1200 Fifth Avenue, Suite 1220
Seattle, WA 98101
Telephone: (206) 203-9011
wsmart@ruizandsmart.com
iruiz@ruizandsmart.com
Attorneys for Plaintiffs

HOLLAND & HART, LLP

By: s/ Melissa K. Reagan
Melissa Reagan (*Pro Hac Vice*)
Katherine D. Varholak (*Pro Hac Vice*)
Holland & Hart, LLP
555 17th Street, Unit 2300
Denver, CO 80202
MKReagan@hollandandhart.com

LANE POWELL, P.C.

By: s/ Diane Babbitt
Diane C. Babbitt, WSBA #17856
Tim Wackerbarth, WSBA #13673
Andrew G. Yates, WSBA #34239
Matthew A. Stoloff, WSBA #54299
Lane Powell, PC
1420 Fifth Avenue, Suite 4200
Seattle, Washington 98111-9402
Telephone: (206) 223-7000
wackerbarth@lanepowell.com
yatesa@lanepowell.com
Attorneys for Defendant New York Life Insurance Company

STIPULATION AND ORDER TO EXTEND THE DEADLINE TO HOLD A SETTLEMENT CONFERENCE

Attorneys for Defendant illumifin

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September 2024, a true and correct copy of the foregoing ***STIPULATION AND ORDER EXTEND THE DEADLINE TO HOLD A SETTLEMENT CONFERENCE*** was electronically filed with the Clerk of the Court using the CM/ECF system which electronically served a copy of such filing to all attorneys of record.

/s/ Chelsea M. Beisel

Chelsea M. Beisel, Legal Assistant